

MPG 3600.1

REVISION B

EFFECTIVE DATE: December 23, 2002

EXPIRATION DATE: December 23, 2007

MARSHALL PROCEDURES AND GUIDELINES

CD01

ATTENDANCE AND LEAVE

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 2 of 54

DOCUMENT HISTORY LOG

Status (Baseline/ Revision/ Canceled)	Document Revision	Effective Date	Description
Baseline		12/6/99	
Revision	A	4/10/01	Deleted "Family Friendly Leave" from the table of contents and section 2.5; updated page numbers in table of contents; added "Attendance at Conferences or Conventions" to the table of contents; added "c" to section P.5; added "Administrative Leave for Relocation" to the table of contents and section CH2.11.9; updated numbering for chapters; paragraph CH1.1.1.2 - changed "Form 3643" to "Form 4068"; added "The supervisor is the approving authority for this schedule for employees above the GS-9 level. This form should be routed through the Human Resources Department to ensure the employee is exempt from FLSA when the employee is a GS-9 or below" to paragraph CH1.1.3.2; added "Sick leave may not be substituted for unpaid leave used for bonding with a healthy baby"; changed paragraph CH2.3.2.3 to read "...members who are incapacitated or who are seeking medical examinations or treatment (limitations are described in paragraph CH2.3.6.) and deleted remainder of section; added paragraph CH2.3.2.4; deleted "NOTE" from paragraph CH2.3.2.7; added section CH2.3.6 through CH2.2.7.4; changed paragraph CH2.4.5.1 to read "...Normally, an employee...accrue during the year. This..."; changed paragraph CH2.4.5.2 to read "...of the year are normally limited to..."; added "NOTE" to paragraph CH2.4.5.3; added paragraph CH2.5.2.4; added "However, employees who are physically or mentally incapable of invoking their entitlement to FMLA leave can retroactively invoke leave within two days of returning to work" to the end of paragraph CH2.5.5; added "Medical certification must be provided no later than 15 calendar days after the date of the request. If circumstances beyond control of the employee prevent the employee from being able to meet this 15-day requirement, the requirement may be extended up to 30 calendar days" to paragraph CH2.5.6; changed paragraph CH2.7.3.2 to read "...active or inactive duty or...'active duty' includes full-time duty on the..."; added "Inactive duty" includes special additional duties authorized by the military department concerned and performed on a voluntary basis in connection with prescribed training or maintenance activities" to paragraph CH2.7.3.2; and changed paragraph CH2.7.4.2 to read "...performance of active or inactive military duty."; deleted paragraph 2.8.5.6; and changed CH2.11.1 to Administrative Appeals and Grievances."

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 3 of 54

Revision	B	12/23/02	Corrected the Master List URL on the document cover and footers. Inserted section for Maxiflex Tour (CH1.1.3) and renumbered First 40-Hour Tour to CH1.1.4. Added sections for Excused Absence for Civil Air Patrol (CH2.11.10) and Excused Absence for Travel (CH2.11.11). Changed "Permanent" to "Non-temporary" in CH2.2.1.1 to include Term employees. Corrected page designations in the Table of Contents.
----------	---	----------	--

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 4 of 54

TABLE OF CONTENTS

Preface

- P.1 Purpose
- P.2 Applicability
- P.3 Authority
- P.4 Applicable Documents
- P.5 References
- P.6 Cancellation

Document Content

- 1. Definitions
- 2. Responsibilities
- 3. Procedure
- 4. Records
- 5. Flow Diagram

Chapter 1	Hours of Work.....	Page 8
	MSFC Work Schedules.....	Page 8
	Standard Tour.....	Page 9
	Compressed Tour.....	Page 10
	Maxiflex Tour	Page 12
	First 40-Hour Tour.....	Page 15
	Part-Time Schedules.....	Page 18
	Lunch Periods.....	Page 22
	Rest Periods.....	Page 23
	Overtime Hours.....	Page 23
	Closing of Installation.....	Page 23
	Reporting Hours of Work.....	Page 24
	Hazardous Duty.....	Page 24

Chapter 2	Leave Administration.....	Page 25
	General	Page 25
	Annual Leave	Page 25
	Sick Leave	Page 30
	Voluntary Leave Transfer Program	Page 35
	Family and Medical Leave	Page 38
	Absence for Maternity Reasons	Page 41
	Military Leave	Page 41
	Court Leave	Page 43
	Leave for Voting and Voter Registration .	Page 47
	Holidays	Page 48
	Federal Holidays	Page 48

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 5 of 54

State or Local Holidays	Page 49
Religious Holidays or Observations	Page 49
Excused Absences	Page 49
Administrative Appeals and Grievances ...	Page 49
Union Activities	Page 50
Brief Periods of Absence or Tardiness ...	Page 50
Attendance at Conferences or Conventions	Page 50
Use of the MSFC Medical Center	Page 50
Use of MSFC Offices	Page 50
Blood Donors	Page 50
Bone Marrow or Organ Donation	Page 51
Excused Absence for Relocation.....	Page 51
Excused Absence for Civil Air Patrol.....	Page 51
Excused Absence for Travel.....	Page 51
Use of Compensatory Time	Page 52
Leave Without Pay	Page 52
Absence Without Leave.	Page 53

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 6 of 54

PREFACE

P.1 PURPOSE

This Marshall Procedures and Guidelines (MPG) establishes the responsibilities, procedures, and guidelines for determining hours of duty and for the administration of absences and leave in accordance with applicable laws and regulations. It provides Center direction, which should be used in conjunction with the referenced statutory and regulatory requirements. The Human Resources Department should be consulted for further information and guidance.

P.2 APPLICABILITY

This MPG is applicable to all Marshall Space Flight Center (MSFC) civil service employees.

P.3 AUTHORITY

- a. NPD 3000.1, "Management of Human Resources"
- b. NPG 3600.1, "Attendance and Leave"

P.4 APPLICABLE DOCUMENTS

Title 5, Code of Federal Regulations (CFR) Part 610

P.5 REFERENCES

- a. Title 5, United States Code (USC), Part III, Subpart E, Chapters 61 and 63
- b. Title 5, CFR Parts 610 and 630
- c. Title 29, USC Chapter 26

P.6 CANCELLATION

MPG 3600.1A dated April 10, 2001

Original signed by
Axel Roth for

A. G. Stephenson
Director

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 7 of 54

DOCUMENT CONTENT

1. DEFINITIONS

Necessary definitions are incorporated into the document.

2. RESPONSIBILITIES

2.1 The Center Director is responsible for establishing the following:

2.1.1 Basic workweeks.

2.1.2 Regularly scheduled administrative workweeks.

2.1.3 Irregular and special tours of duty.

2.1.4 Procedures for planning, scheduling, and rescheduling annual leave, including leave in separate leave accounts. Such procedures will include a method of managerial review of actions taken to ensure adherence to procedures and to avoid unbalanced situations in which employees approach the end of the leave year with significant amounts of leave that must be used or forfeited.

2.2 The Human Resources Manager is responsible for implementing the procedures and guidelines related to attendance and leave.

2.3 The Chief Financial Officer is responsible for the establishment of procedures for coding time and attendance and for administering leave accounts as required.

3. PROCEDURES

The procedures used in implementing this MPG are described in each section of the document.

4. RECORDS

As appropriate, records maintenance procedures are described in each section of the document.

5. FLOW DIAGRAM

None

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 8 of 54

CHAPTER 1

HOURS OF WORK

CH1.1 MSFC WORK SCHEDULES

a. Components

MSFC Work Schedules consist of standard tours, compressed tours, maxiflex tours and First 40-Hour Tours.

b. Establishing Tours

Each of these tours of duty shall be established or changed at least two weeks in advance and continued for at least two pay periods. Employees affected by changes shall be given a two-week advance notice except as otherwise may be provided in a negotiated agreement. When such a change constitutes a shift change, it shall be made in accordance with provisions of the appropriate collective bargaining agreement. Required meeting attendance, scheduled training, TDY, etc., do not constitute changes in the tour of duty.

c. Duration of Tours

A work schedule is only valid as long as the employee is working in the same organization where the schedule was approved. The authorization is automatically cancelled when the employee has a position change (detail, promotion, reassignment, etc.) which results in an organizational code change.

d. Special Considerations

(1) Each employee is encouraged to consult his or her team leader/supervisor as well as coworkers and other individuals with whom the employee interfaces in the accomplishment of assigned work prior to submitting a request. Team leaders/supervisors will review each request against the requirements of the employee's job assignment. If, in the supervisor's judgment, the requested work schedule does not adversely impact the employee's job assignment, the tour shall be approved. Approved requests will be retained by the supervisor and/or the organization's point of contact for time and attendance matters as long as they are in effect.

(2) When a work schedule cannot be approved as requested, it will be discussed with the employee and the need for a different assignment explained. That assignment will then be noted in the appropriate place on the request. Supervisors shall not set

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 9 of 54

schedules for the express purpose of circumventing the employee's use of any available tour.

(3) Shift operations are not compatible with any available tour. The assignment of an employee to a shift operation will have priority over an approved tour for the duration of the shift requirement. Upon completion of the shift work, employees will return to their previous tour of duty unless a request is submitted and approved for an alternate choice.

(4) This subpart does not give an employee the right to refuse to perform assigned work, to refuse a direct management order, or to refuse to appear for work when ordered to do so in order to accomplish the Center's mission. An approved work schedule does not serve to alter the right of MSFC to determine a need for, and to direct, an employee to report at a given time on particular days in order to attend scheduled meetings or perform necessary work.

CH1.1.1 STANDARD TOURS

CH1.1.1.1 Schedule

The standard tour is a 40-hour week consisting of 5 eight-hour days, between the hours of 6:00 a.m. and 6:00 p.m. Monday through Friday. During these 40 hours, an employee is required to perform services on a regularly scheduled basis. Each work day of 5 hours or more will incorporate a nonpaid lunch period of 30 minutes (Ref: Section CH1.3).

CH1.1.1.2 Tour of Duty

Employees may request any one of the standard tour options beginning not earlier than 6:00 a.m. and not later than 9:30 a.m. Employees should request the standard tour desired by submitting a MSFC Form 4068 to their team leader/supervisor. The team leader/supervisor will approve the requested standard tour except in situations where he/she believes that the schedule will adversely impact the employee's performance of assigned duties or the workload of the office. If approved, the employee will then work an eight-hour day, with a 30-minute lunch period, from the starting time requested. Approved standard tour options will be for two pay periods in duration from the effective date, automatically extending in increments of two pay periods until a new work schedule is arranged. The standard tour options are:

- a. 6:00 a.m. to 2:30 p.m.
- b. 6:15 a.m. to 2:45 p.m.
- c. 6:30 a.m. to 3:00 p.m.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 10 of 54

- d. 6:45 a.m. to 3:15 p.m.
- e. 7:00 a.m. to 3:30 p.m.
- f. 7:15 a.m. to 3:45 p.m.
- g. 7:30 a.m. to 4:00 p.m.
- h. 7:45 a.m. to 4:15 p.m.
- i. 8:00 a.m. to 4:30 p.m.
- j. 8:15 a.m. to 4:45 p.m.
- k. 8:30 a.m. to 5:00 p.m.
- l. 8:45 a.m. to 5:15 p.m.
- m. 9:00 a.m. to 5:30 p.m.
- n. 9:15 a.m. to 5:45 p.m.
- o. 9:30 a.m. to 6:00 p.m.

CH1.1.1.3 Emergency Situations

For emergency situations, on a given day the standard tour for that day may be changed by the employee with the consent of the team leader/supervisor. Team leaders/supervisors may also direct a change in their standard tour to meet emergency requirements on a given day or to attend special meetings, etc. For bargaining unit employees, the standard tour may be changed in accordance with the applicable collective bargaining agreement.

CH1.1.2 COMPRESSED TOUR

CH1.1.2.1 Description

The MSFC compressed tour provides for eight nine-hour days, one eight-hour day, and one day off each pay period. The basic tour of duty will occur between the hours of 6:00 a.m. and 6:00 p.m., Monday through Friday with a 30-minute lunch period.

CH1.1.2.2 Tour of Duty

The employee may request a compressed tour with times to begin at 15-minute intervals between the hours of 6:00 a.m. and 8:30 a.m. The initiation of, or changes to, a compressed tour should be requested by completing a MSFC Form 4068. The team leader/supervisor will approve the requested compressed tour except in situations where he/she believes that the schedule will adversely impact the employee's performance of assigned duties or the workload of the office. Disapproval of the request should be in accordance with the appropriate collective bargaining agreement. The compressed tour shall be approved for two pay periods in duration and if the employee does not request a new work schedule at the end of that time, the compressed tour will become the normal tour of duty.

CH1.1.2.3 Scheduling

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 11 of 54

Employees will schedule their day off and eight-hour day subject to team leader/supervisory approval. The team leader or supervisor may disapprove the scheduling of the compressed tour day off, or the eight-hour day, based upon staffing or work requirements. When the requested tour cannot be approved, it will be discussed with the employee and need for a different tour explained.

CH1.1.2.4 Holidays

When a holiday established by either Federal Statute or Executive Order occurs during the pay period, the employee will record the number of hours regularly scheduled for that day. When a holiday occurs on an employee's scheduled off day, the holiday will become the preceding workday. In the event the holiday occurs on a Monday, the holiday will become the following workday, subject to team leader/supervisory approval. All off days will be scheduled as eight-hour days. Employee's work schedules will not be adjusted in order to be paid for a greater number of hours on a holiday.

CH1.1.2.5 Temporary Duty and Training

Employees scheduled for training, TDY, or special assignments will work the schedule of the host activity or hours predetermined by the employee and the supervisor.

CH1.1.2.6 Changes

On a given day, or in emergency situations, the compressed tour may be changed by the employee with team leader/supervisory approval. Work will normally be performed between the hours of 6:00 a.m. and 6:00 p.m. Changes to established schedules must be requested and approved prior to the beginning of the current pay period. Team leaders/supervisors may also direct a change in employees' compressed tour to meet emergency requirements, to attend special meetings, etc. For bargaining unit employees, the schedule should be changed in accordance with the applicable collective bargaining agreement.

CH1.1.2.7 Excused Absence

Compressed tour participants may be granted excused absence with pay under the same circumstances as excused absences would be granted to employees on other work schedules (Ref: Section CH2.11). The amount of excused absence to be granted should be based on the employee's established tour of duty in effect for the period covered by the excused absence.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 12 of 54

CH1.1.2.8 Suspension of Premium Pay

In accordance with provisions of the Fair Labor Standards Act (FLSA), overtime will not be paid when an employee on his/her own initiative and/or because of personal preference chooses to work longer during a workday or workweek in order to shorten the length of a subsequent workday or workweek.

CH1.1.3 MAXIFLEX TOUR

CH1.1.3.1 Description

A maxiflex tour has a basic work requirement of 80 hours per pay period. The tour must be established and approved prior to the start of a pay period and may not be changed by the employee during the pay period. A maxiflex tour is not intended to allow an employee to adjust their work schedule from day to day. This tour requires an established work schedule which has been approved by the team leader/supervisor and must be adhered to for at least 2 pay periods before it can be changed. With team leader/supervisory approval, employees may establish a schedule of from 5 ½ to 10 hours per day. While the employee may establish a schedule that varies each day, all schedules require prior team leader/supervisory approval.

CH1.1.3.2 Tour of Duty

Maxiflex tours consist of core time, when an employee is required to work, and flexible times, when an employee may choose to work. The core hours for MSFC are from 9:00 a.m. to 3:00 p.m. including a 30-minute lunch period. The flexible hours are from 6:00 a.m. to 9:00 a.m. and from 3:00 p.m. to 6:00 p.m. Employees may vary their arrival and departure times during these flexible time bands based on their established and approved work schedule for each day. Employees working a schedule of 8 hours per day could not report prior to 6:30 a.m. in order to schedule the required core hours. Any work performed outside of the flexible time bands requires prior team leader/supervisory approval. An employee may be required to work at any time based on the organization's work requirements. With team leader/supervisory approval, employees may vary their arrival and departure times on a given workday to accommodate emergency tours and extended lunch periods. Schedule deviations of this nature may not alter the number of daily or weekly hours for an employee's established and approved work schedule.

CH1.1.3.3 Credit Hours

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 13 of 54

With team leader/supervisory approval, employees working a maxiflex tour may elect to earn credit hours. Credit hours are hours the employee elects to work which are outside of their basic work requirement. Credit hours are distinguished from overtime hours in that they are elected by the employee rather than being required by management. Credit hours may be earned and used within the same pay period or in another pay period. Employees may not use credit hours to lengthen their workdays to more than 10 hours per day. Full time employees may accumulate a total of 24 credit hours and no more than 24 credit hours may be carried forward into the next pay period. Part-time employees may carryover no more than one-fourth of their part-time biweekly work requirement. Credit hours may be earned only when meaningful work is available. The use of credit hours requires prior team leader/supervisory approval.

CH1.1.3.4 Scheduling

Employees may request to work a maxiflex tour by submitting an MSFC Form 4068 at least two weeks in advance of when the tour is to be implemented. The team leader/supervisor will approve the request if it allows for adequate office coverage and is appropriate to the nature of work being performed. When the requested tour cannot be approved, it will be discussed with the employee and the need for a different tour explained. The employee's request must establish a basic work requirement for at least 8 days per pay period; employees may schedule up to two off days per pay period. The basic work requirement will not be more than 10 hours on any day.

CH1.1.3.5 Leave

Leave (sick leave, annual leave or LWOP) will be charged based on the employee's established schedule on that day. An employee cannot charge, or be asked to charge, more leave than the number of hours they are scheduled to work on that day. An employee who works less than their established schedule on any workday must account for this time by using either leave or previously earned credit hours.

CH1.1.3.6 Holidays

Full-time employees are entitled to 8 hours of basic pay for holidays established by Federal Statute or Executive Order. When a holiday falls on a day when a full-time employee is scheduled to work other than 8 hours, the employee will be required to adjust their work schedule accordingly.

CH1.1.3.7 Excused Absences

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 14 of 54

Excused absences may be granted for employees utilizing a maxiflex tour under the same circumstances as excused absences would be granted for employees with any other tour. The amount of the excused absence will be based on the employee's established schedule for that day.

CH1.1.3.8 Overtime

Employees may not obligate the Center for the payment of overtime by choosing to work more than 8 hours a day or 40 hours a week. Employees who are required to work in excess of 8 hours a day or 40 hours a week must be compensated for this time. Overtime will be paid, as appropriate, to employees who are ordered and approved to work in excess of 8 hours per day or 40 hours per week. If the hours ordered to be worked are not in excess of 8 in a day or 40 in a week at the time they are performed, the supervisor/team leader may require:

- a. The employee to take off from work on a subsequent workday for an equal period of time; or
- b. The employee to complete the basic work requirement as scheduled and count the extra hours as credit hours; or
- c. The employee to complete the basic work requirement as scheduled with the resulting hours worked beyond the employee's basic work requirement compensated as overtime hours.

CH1.1.3.9 Compensatory Time

Compensatory time is available to the same extent it is available to employees working any other tour.

CH1.1.3.10 Night Differential

Night differential will not be paid solely because an employee elects to work credit hours, or an arrival or departure time, at a time of day when night differential is otherwise available.

CH1.1.3.11 Temporary Duty and Training

Employees scheduled for training, TDY or special projects will work the schedule of the host activity or project unless another schedule has been established between the team leader/supervisor and the employee. Employees may not earn credit hours while in a travel status.

CH1.1.4 FIRST 40-HOUR TOUR

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 15 of 54

CH1.1.4.1 Description

A first 40-hour tour is the period of duty prescribed for employees when it has been determined that it is impractical to establish a regularly scheduled basic workweek, in which case the first 40 hours of duty will constitute the basic workweek. Approval for a first 40-hour tour of duty is with the understanding that the irregular workweek is for the convenience of MSFC and not for the personal convenience of employees.

CH1.1.4.2 Schedule

One of the standard tour options must be selected as the "Regular Work Hours." These hours will be followed to the extent possible. When there are deviations, the first 40 hours of duty time in any week will become the basic workweek. The initiation of this schedule requires the completion of an MSFC Form 3478 by the employee's immediate supervisor. The supervisor is the approving authority for first forty tour exempt employees above the GS 10 Step 1 level. Form 3478 should be routed through the Human Resources Department for employees that are GS 10 Step 1 or below. Employees approved to work a first 40 tour of duty must work their basic 40 hours in each workweek over no more than 6 of 7 consecutive work days.

CH1.1.4.3 OVERTIME

Any hours in excess of 40 in a week that are ordered or approved are considered overtime hours for First 40 employees. Hours in excess of 8 in a day that are ordered or approved are overtime for FLSA non-exempt employees and for exempt employees whose pay is less than or equal to that of GS-10, step one. For this reason, it is not advisable to assign non-exempt employees to first 40 hour tours. Certain employees (professional, scientific, or technical) are not entitled to overtime for work over 8 hours in a day, regardless of grade or salary level. For non-exempt employees only, hours over 40 in a week that are suffered or permitted are considered overtime hours. For this reason, several distinct subcategories of the first 40 tour have been established.

a. First 40-I will include most employees for whom a first 40 tour is appropriate. It covers exempt employees who are paid more than GS-10, step 1 or equivalent, or engaged in professional or technical scientific or engineering activities at any pay level. For employees under first 40-I, the following overtime rules apply:

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 16 of 54

(1) Overtime may be paid for hours ordered or approved by the supervisor, which are in excess of the basic 40-hour workweek.

(2) Employees are not entitled to compensation for hours worked in excess of 8 in a day (unless they are in excess of 40 hours a week, and ordered or approved).

(3) Employees are not entitled to compensation for suffered or permitted hours worked.

b. First 40-X includes employees who are not exempt from FLSA requirements, at any pay level and any type of work, and certain exempt employees. While most exempt employees will be covered by First 40-I, a small number of employees are covered by a unique set of overtime rules. This tour covers exempt employees whose hourly rate of basic pay does not exceed GS-10, step 1 or equivalent, and those who are not in a professional or technical engineering or scientific position. The overtime rules are the same as for non-exempt employees, except for the suffered/permitted rule. Employees working a First 40-X tour are subject to the following overtime rules:

(1) Overtime may be paid for hours in excess of 8 in a day that are ordered or approved (not suffered or permitted).

(2) Overtime may not be paid for hours worked in excess of 8 in a day for a non-exempt employee whose rate of basic pay exceeds GS-10, step 1 or is engaged in professional or technical engineering or scientific activities.

(3) Overtime may be paid for hours in excess of 40 in a week that are ordered or approved (and for non-exempt employees only, suffered or permitted hours).

(4) Work over 8 hours in a day will be counted toward the 40-hour workweek, whether or not they are compensated as daily overtime. It is possible for an employee to work a total of only 40 hours in a week, including both regular and overtime hours. While this initially will give the employee an increase in pay, the employee should be cautioned that only regular hours (not overtime) are counted towards the computation of salary for retirement.

(5) Work over 8 hours in a day that is not ordered or approved will be compensated at the regular rate (not overtime) when the total number of hours worked (or accounted for by leave) does not exceed 40 hours in the workweek.

(6) In lieu of payment for irregular or occasional overtime

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 17 of 54

hours, an employee may request comp time. The Center may not require an employee to accept comp time in lieu of overtime.

CH1.1.4.4 Leave

An employee on a first 40-hour tour of duty is responsible for recording an appropriate form of leave when they are not present on a scheduled workday. This leave shall not exceed eight hours in any one day. In the absence of a specific schedule, the normal duty hours, as assigned by the supervisor, will be considered to be the established schedule. All employees are required to request annual and sick leave in accordance with regulations and their collective bargaining agreement. If an employee is in a leave status for the entire workweek, the employee is considered as a regular employee and is charged with 40 hours of appropriate leave.

CH1.1.4.5 Holidays

MSFC employees assigned first 40-hour tours of duty will observe the same holidays as other employees. Each employee will be given credit for 8 hours holiday time toward their 40 hour workweek. Hours worked in excess of 8 may be counted toward the 40 hours, but the first 8 hours worked will be recorded as the holiday.

CH1.1.4.6 Excused Absence

Employees working this tour may be granted an excused absence under the same circumstances as excused absences would be granted to employees on other work schedules (Ref: Section CH2.11). The amount of the excused absence to be granted should be based on the employee's established tour of duty in effect for the period covered by the excused absence.

CH1.1.4.7 Travel/Temporary Duty

A first 40-hour tour of duty employee will be deemed a regular employee while in an official travel status to or from a temporary duty station, but not while at the TDY station. Travel from one location to another performed outside the employee's established tour, or the tour the employee would have worked except for TDY, will not constitute a part of the first 40 hours of duty except when at least one of the following conditions is met:

- a. Employee actually performs work while traveling.
- b. Travel is carried out under arduous conditions.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 18 of 54

c. Travel is a part of and inseparable from the employee's regular duties.

d. Travel results from an event which could not be scheduled or controlled administratively.

CH1.2 PART-TIME SCHEDULES

Part-time work schedules consist of a continuing tour of duty of not less than 16 hours per week and not more than 32 hours per week. Based on mission and resource requirements, the schedules are available to employees in competitive or excepted service appointments. Established schedules must be between the hours of 6:00 a.m. and 6:00 p.m.

CH1.2.1 General Information

CH1.2.1.1 Service Credit - Part-time employees receive a year of service credit for each year worked (regardless of part-time schedule) for the purpose of computing service for retention, retirement eligibility, career tenure, completion of the probationary period, within-grade increase, leave accrual rate, and time-in-grade restrictions for promotion.

CH1.2.1.2 Crediting Experience - For part-time employees, qualifying experience is credited on a prorated basis. For example, a part-time employee working 20 hours per week for 1 year is credited with 6 months experience.

CH1.2.1.3 Within-Grade Increase - The length of the waiting period for advancement to the next higher step is based on the number of weeks of creditable service at the previous step. The waiting period for a step increase for a part-time employee is not extended.

CH1.2.1.4 Competition for Full-Time Positions - Part-time employees may compete for full-time positions announced under the Competitive Placement Plan.

CH1.2.1.5 Earnings - Gross pay is computed by multiplying the employee's hourly rate of pay by the number of hours worked during the pay period. The hourly pay rate for part-time employees is the same as the hourly rate for full-time employees.

CH1.2.1.6 Overtime and Compensatory Time - Hours worked in excess of a part-time employee's regular tour of duty are credited as overtime or compensatory time only when they exceed 8 hours per day or 40 hours per week. A part-time employee receives regular pay for work which is in excess of scheduled

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 19 of 54

hours but does not exceed 8 hours per day or 40 hours per week as applicable. By definition, both overtime and compensatory time will rarely be performed by part-time employees.

CH1.2.1.7 Sunday and Night Pay - A part-time employee is not entitled to Sunday premium pay for working on Sundays. He or she is, however, entitled to night pay for work performed between 6 p.m. and 6 a.m., as part of his or her regularly scheduled tour of duty.

CH1.2.1.8 Leave and Holidays

a. Annual leave is earned on a prorated basis with the employee earning 1 hour for each: 20 hours in pay status if less than 3 years service; 13 hours in pay status if between 3 and 15 years service; and 10 hours in pay status if 15 or more years service.

b. Sick Leave is earned on a prorated basis with the employee earning 1 hour for each 20 hours in a pay status.

c. Other types of leave, such as leave without pay, excused absence, and court leave, are credited in the same manner as for full-time employees.

d. Military Leave for eligible part-time employees is prorated based on their tour of duty.

e. Holiday Pay - A part-time employee is not entitled to a holiday which falls outside the tour of duty. If a holiday falls on a day a part-time employee is officially scheduled to work, the employee is paid for the number of hours scheduled for that day. Schedules may not be adjusted in order to be paid or paid for a greater number of hours on a holiday. If the part-time employee works during his or her scheduled tour on a holiday, the employee is entitled to holiday premium pay only for those hours scheduled as part of his or her tour of duty. Hours worked in excess of the employee's scheduled tour should be charged as regular time.

CH1.2.1.9 Training - Part-time employees receive the same consideration as full-time employees for training and developmental assignments. The same procedures for nomination and selection for training are used. Part-time employees may temporarily increase or adjust their work schedules to attend training courses, by following the procedures for changing the work schedule, as described in paragraph CH1.2.2.2 below.

CH1.2.1.10 Temporary Duty - Part-time employees may increase or adjust their work schedules while in the performance of TDY.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 20 of 54

Travel from one location to another performed outside of the adjusted schedule will not constitute part of the employee's work schedule. Part-time employees may temporarily increase or adjust their work schedules while in the performance of TDY for a maximum of two pay periods. Employees should follow the procedures for changing their work schedules, as described in paragraph CH1.2.2.2 below.

CH1.2.1.11 Life Insurance Coverage - Part-time employees are eligible for coverage under the Federal Employees Group Life Insurance Program. The actual amount of insurance for which an employee is eligible is based on annual salary, but in any case is not less than \$10,000. (For this purpose, a part-time employee's annual salary is the amount of hours scheduled to work times the hourly pay rate.) NASA Employee's Benefit Association (NEBA) insurance is also available to permanent part-time employees.

CH1.2.1.12 Health Insurance Coverage - Part-time employees are eligible to participate in the Federal Employees Health Benefits Program. The coverage is the same as that provided for full-time employees, but the employee's cost for the premiums is greater. For these employees, the Government's contribution is prorated according to the number of hours the employee is scheduled to work. For example, a part-time employee scheduled to work 20 hours per week will pay the employee's share of the premium plus one-half of the Government's share.

CH1.2.1.13 Retirement - The date of eligibility for retirement is not affected by part-time employment, as service is credited by calendar weeks. The annuity for a part-time employee is first computed as if full-time for both salary and service years, then reduced by the percentage of a full-time salary actually earned.

CH1.2.1.14 Severance Pay - Part-time employees have the same basic entitlement to severance pay as full-time employees as long as their regularly scheduled tour of duty includes time in each administrative work week. Severance pay is prorated based on the number of hours the employee is scheduled to work.

CH1.2.1.15 Reduction in Force - Part-time employees are placed in a separate competitive level from comparable full-time employees during reduction-in-force procedures. When released from a competitive level, part-time employees can compete only for other part-time jobs.

CH1.2.2 Procedures

CH1.2.2.1 Filling Part-Time Positions - Organizations

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 21 of 54

identifying positions that might be filled on a part-time basis should discuss the matter with the Human Resources Department. In addition, full-time employees who are interested in part-time work should discuss the feasibility of converting to part-time status with their supervisor. Opportunities to voluntarily change from full-time to part-time career employment will be given to employees whenever feasible, but granting this request will remain an option of management. Employees should submit an MSFC Form 4376 to request a part-time work schedule. In requesting a conversion from a full-time to a part-time permanent position, employees should be aware of the following:

a. The appointment to part-time does not confer an automatic conversion privilege back to full-time.

b. Any requests for conversion back to full-time must be submitted and approved in advance.

CH1.2.2.2 Permanent Increase or Rearrangement of Hours - By definition, the scheduled tour of duty for part-time employees must be between 16 and 32 hours per week. Permanent changes in the employee's tour of duty (days and/or hours) must be made in advance of the administrative pay period in which the change is to occur and must be approved by the supervisor and the Human Resources Department prior to the hours being worked. Employees should submit an MSFC Form 4379 to request a change in an established part-time work schedule. Schedules not approved in this manner will be adjusted by the Payroll Office to reflect the employee's authorized schedule.

CH1.2.2.3 Temporary Changes to Part-Time Work Schedule - Temporary changes may be authorized at the organizational level. Team leaders/supervisors may authorize temporary work schedule changes by entering a remark in the comment section of the time sheet stating the reason for the change when approving the time and attendance for the pay period

CH1.3 LUNCH PERIODS

CH1.3.1 Lunch periods during which an employee is entirely free of duty may not be considered duty time and must be scheduled within the hours established for the daily tour of duty. The first 30 minutes of the work day and the last 30 minutes of the work day cannot be considered a lunch period.

CH1.3.2 Normal lunch periods of 30 minutes duration are authorized. However, an employee may, with prior approval, elect to extend his/her lunch period to 60 minutes, provided the additional 30 minutes is worked at the beginning or the end of

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 22 of 54

the workday. Work should normally be performed during the hours of 6:00 a.m. and 6:00 p.m.

CH1.3.3 All regular or overtime, or a combination of both, work periods of 8 hours or more must provide for normal lunch or dinner periods of at least 30 minutes duration. Exceptions to this policy are as follows:

CH1.3.3.1 Where three eight-hour shifts are in operation and an overlapping of shifts to permit time off for a lunch period is not possible. In such cases, a lunch period of not more than 20 minutes will be granted. The lunch period will be considered as time worked for which compensation is allowed and employees must spend the time at or near their work stations.

CH1.3.3.2 Where an unusual situation precludes an employee from taking a lunch period.

CH1.3.4 Where either of the conditions listed above exists, the timecard should be coded "NLP" (no lunch period) in the Sub-Rad. Whether the employee observes a lunch period during regular or overtime tours is not a matter of choice on the part of the employee. When no lunch is observed, one of the two conditions listed above must exist.

CH1.3.5 To determine when a lunch period should be observed during overtime, the following rules will apply:

CH1.3.5.1 Overtime on regular workdays - A lunch period will be observed after the first four hours of overtime and each eight hours thereafter.

CH1.3.5.2 Nonwork days - A lunch period will be observed after the first five hours of overtime and each eight hours thereafter.

CH1.4 REST PERIODS

CH1.4.1 It is the Center's policy to permit rest periods during the daily tour of duty where it is determined they are required to produce one or more of the following results:

CH1.4.1.1 Protection of employee's health by relief from hazardous work or work which requires continual and/or considerable physical exertion.

CH1.4.1.2 Reduction of accident rate by removal of fatigue potential.

CH1.4.1.3 Working in confined spaces or in areas where normal

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 23 of 54

personal activities are restricted.

CH1.4.1.4 Increase in or maintenance of high quality and/or quantity production traceable to the rest period.

CH1.4.2 The rest period may not exceed 15 minutes during each 4 hours of continuous work. If the period from the beginning of the daily tour to the lunch period is less than 4 hours, a rest period should be granted only in unusual circumstances. The rest period may not be a continuation of the lunch period. A rest period may not be granted where none of the above criteria is applicable.

CH1.5 OVERTIME HOURS

All overtime hours must be officially ordered or approved by the employee's team leader/supervisor. Overtime services of employees, except as necessitated because of disaster or emergency, may be utilized only to meet essential deadlines or to maintain vital operations. Overtime will not be paid to employees who choose to work longer during a workday or workweek in order to shorten the length of a subsequent workday or workweek. Overtime should be granted in accordance with the appropriate collective bargaining agreement.

CH1.6 CLOSING OF INSTALLATION

CH1.6.1 Under certain conditions (climatic, environmental, disaster, etc.), the MSFC Director and the heads of MSFC component installations may close part or all of their respective installations and excuse their employees from duty. All employees paid on a per annum basis may be excused without charge to leave or loss of pay. Other types of employees may also be excused in accordance with 5 CFR 610.301. All questions relative to whether or not employees will be excused under the conditions stated above should be addressed to the Human Resources Manager.

CH1.6.2 Severe weather conditions pose a serious and continued threat to our mission and therefore employees must be prepared to meet weather and other types of emergency contingencies. Accordingly, it is essential that all employees prepare their vehicles at the earliest possible date for safe driving under adverse winter weather conditions. Work activity in Center functions will continue during severe weather. Therefore, unless there is an announcement to the contrary, normal working hours will be observed. Any announcement will be made through supervisory channels, or, if outside duty hours, through the MSFC Information Line (544-HELP). Unless an announcement is made, there will be no change to the work schedule. The granting of

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 24 of 54

excused absence because of weather conditions is not anticipated except on very rare occasions. However, team leaders and supervisors are authorized to observe a liberal annual leave policy during adverse weather conditions, particularly when an employee believes travel would entail personal danger.

CH1.7 REPORTING HOURS OF WORK

Employees are responsible for ensuring their time is recorded correctly. Employees are provided a Leave and Earnings statement for each pay period showing the biweekly pay, deductions, leave usage, and balances. Employees should review this statement and report any discrepancies to the team leader/supervisor. Discrepancies in original time and leave reported should be corrected by requesting a prior pay period adjustment in the time and attendance system not more than 3 pay periods after they occur. Prior period adjustments that are greater than 3 pay periods old and deemed by team leader/supervisor to warrant additional review due to exceptional circumstances must be requested by submitting a Form 4128 along with a memo to the RS10/Payroll Office Chief. The Office of the Chief Financial Officer will review the Forms 4128 and determine disposition of the request.

CH1.8 HAZARDOUS DUTY

Team Leaders/Supervisors may approve hazardous duty work at the organization level. MSFC Form 2864 should be signed and submitted to the Payroll Office to authorize payment of hazardous duty hours. Hazardous duty work should be recorded on the time sheet for the number of hours in the scheduled workday.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 25 of 54

CHAPTER 2 LEAVE ADMINISTRATION

CH2.1 GENERAL

The administration of leave regulations at MSFC will be applied uniformly to all employees. Approval of leave for an individual employee normally rests with the team leader/supervisor. Employees are responsible for cooperating with their team leaders/supervisors in the administration of the leave program and arranging for leave far enough in advance so as not to seriously interfere with their work. These procedures apply to all MSFC employees except those employees in a bargaining unit when a conflict exists between these procedures and the procedures in an MSFC collective bargaining agreement. In such instances where a conflict exists, the agreement will take precedence for bargaining unit employees.

CH2.2 ANNUAL LEAVE

CH2.2.1 Crediting Annual Leave

CH2.2.1.1 Non-temporary employees may be credited at the beginning of the leave year with the amount of annual leave they are expected to accrue during the leave year.

CH2.2.1.2 Temporary employees will be credited with annual leave as it is earned. However, an employee whose current employment is limited to less than 90 days is entitled to annual leave only after being currently employed for a continuous period of 90 days under successive appointments without a break in service.

CH2.2.2 Accrual of Annual Leave

MSFC employees earn annual leave while in a pay status according to their creditable service. Annual leave is accrued and credited to employees as follows:

CH2.2.2.1 Full-Time Employees - Employees with full-time schedules will earn:

- a. Four hours each pay period if they have less than 3 years of service.
- b. Six hours each pay period (except that the last period in the calendar year shall be 10 hours) if they have more than 3 years but less than 15 years of service.
- c. Eight hours for each period if they have 15 years or more

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 26 of 54

service.

CH2.2.2.2 Part-Time Employees - Part-time employees who have a regularly scheduled tour of duty of 1 or more workdays during each administrative workweek in the pay period are credited with 1 hour for each:

- a. Twenty hours in a pay status if they have less than 3 years of service.
- b. Thirteen hours in a pay status if they have between 3 and 15 years of service.
- c. Ten hours in a pay status if they have 15 or more years of service.

CH2.2.3 Scheduling Annual Leave

CH2.2.3.1 Annual leave is considered to be scheduled when:

- a. It has been requested by the employee.
- b. The request has been acted upon by the team leader/supervisor authorized to approve leave.
- c. The request and action taken by the team leader/supervisor may be oral or written. If the request is written, a Standard Form 71, "Application for Leave," or other appropriate form should be used. In situations involving the forfeiture or restoration of annual leave, the request and the reply to the request must be in writing.

CH2.2.3.2 Team leaders/supervisors will give their employees an opportunity to plan and schedule their annual leave. This should be done early in the year. Employees will be notified of this opportunity and will be given a reasonable amount of time to consider the matter in advance of submitting their requests for leave.

CH2.2.3.3 Team leaders/supervisors and employees have a mutual obligation to plan and schedule leave, including restored leave. Restored leave should be used as expeditiously as circumstances permit but within the specified 2-year limit.

CH2.2.3.4 When annual leave is denied or approved leave cancelled, an alternative period of time should be scheduled. This should be done immediately.

CH2.2.3.5 No employee should forfeit accrued annual leave

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 27 of 54

because of any statutory limitation; therefore, special attention must be given to the scheduling of leave to avoid forfeiture. If an employee does not request leave or does not use leave that is approved, any resulting forfeiture will be considered to be by the employee's choice.

CH2.2.4 Procedure for Review

As a method of managerial review, an MSFC Department Leave Report is prepared and distributed to administrative officers quarterly for the first three quarters of the leave year and biweekly during the last quarter of the leave year. This report reflects, by individual within the performing activity, the annual and sick leave balances, amount used, and balance of annual leave to be used or lost by the end of the leave year. Each supervisor will use this report for the purpose of ensuring adherence to procedures for avoiding unbalanced situations where employees approach the end of the leave year with significant amounts of leave that must be used or forfeited.

CH2.2.5 Timeliness of Requests for Leave

CH2.2.5.1 Except in unforeseen circumstances, annual leave must be requested sufficiently in advance to permit careful scheduling of leave for all employees in the work unit and to enable efficient conduct of the work.

CH2.2.5.2 In case of emergency absence, the employee is expected to request approval as promptly as is reasonable or in accordance with their collective bargaining agreement.

CH2.2.5.3 Before forfeited annual leave may be considered for restoration, the use of the annual leave must have been scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year.

CH2.2.6 Approval Consideration

An employee's timely request for leave will be approved if it is reasonable in consideration of work and manpower requirements, including consideration of other employees' leave plans and schedules. Leave that has been scheduled for use may be rescheduled on the same basis. Leave credited to a probationary or trial period employee that is in advance of the amount earned will be approved judiciously.

CH2.2.7 Denial of Leave in Excess of Maximum Carryover

If an employee submits a timely request for leave and the work

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 28 of 54

situation and timing preclude rescheduling to avoid forfeiture of leave at the end of the leave year, the leave may be denied only if the Associate Director determines that there is an exigency of the public business which is of major importance and that, therefore, annual leave may not be used by employees to avoid forfeiture. In making this judgment, the Associate Director must determine:

CH2.2.7.1 That the exigency is of such importance employees cannot be excused from duty, including consideration of such factors as: cost, productivity, work schedules, safety, health, availability of reasonable alternatives for doing the work, and the effects of postponement or redefinition of the work requirements.

CH2.2.7.2 That there is no reasonable alternative to the cancellation of scheduled leave or the reassignment of individual employees who will forfeit leave because of the work requirement generated by the exigency. This determination will include consideration of whether employees could be assigned to do the work other than those who would forfeit annual leave.

CH2.2.7.3 The specific beginning and ending dates of the exigency.

CH2.2.8 Restoration of Annual Leave

CH2.2.8.1 Restoration - Administrative Error

When an administrative error caused the loss of annual leave that was otherwise accruable, the Associate Director must:

- a. Examine the reasons for the error in an effort to determine the cause.
- b. Identify the corrective actions, if any, that should be taken to prevent a recurrence of such errors.
- c. Ensure that the record substantiates the amount of annual leave to be restored. If official records are not available, an estimate of the employee's leave account is acceptable when accompanied by official statements clearly reflecting the factors which form the basis for the estimate.

CH2.2.8.2 Restoration - Exigency of the Public Business

When an exigency of the public business causes forfeiture of annual leave at the end of a leave year, the leave may be restored by the Associate Director, provided:

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 29 of 54

a. The leave was scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. To establish this fact, the following information must be documented

(1) The calendar date the leave was scheduled.

(2) The date(s) during which the leave was scheduled for use and the amount of leave that was scheduled for use.

(3) The reasons for not approving the leave.

b. The appropriate procedures for the denial of leave must have been followed.

c. Requests for restoration of annual leave as a result of an exigency of the public business must be received by January 30. Any request received after January 30 will not be considered.

CH2.2.8.3 Restoration - Sickness

When sickness, injury, or any other medical condition for which paid sick leave would be approved causes forfeiture of annual leave at the end of the leave year, the leave may be restored by the Associate Director, provided:

a. The annual leave was scheduled in writing before the start of the third biweekly pay period prior to the end of the leave year. To establish this fact, the following information must be documented

(1) The calendar date the leave was scheduled.

(2) The date(s) during which the leave was scheduled for use and the amount of leave that was scheduled for use.

b. The sick leave was properly substantiated using the same criteria as for a sickness at any other time.

c. The employee was unable to use the annual leave after the sickness but before the end of the leave year. If an exigency of the public business prevented subsequent use of the annual leave, the appropriate procedures for the denial of leave must have been followed.

CH2.2.8.4 Separate Leave Account

a. Establishment. Annual Leave restored to an employee that is in excess of the employee's maximum permissible carry-over must

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 30 of 54

be credited to a leave account that is separate from the regular leave account. This account will be maintained by the Payroll Office.

b. Documentation. The following information will be documented to support the separate leave account:

(1) The Associate Director's approval of the restoration of annual leave including:

(a) The date the leave was restored for use.

(b) The amount restored.

(c) The date by which restored leave must be used. Generally, restored annual leave must be used no later than the end of the leave year ending two years after restoration.

(2) The usage and balance.

CH2.3 SICK LEAVE

CH2.3.1 Crediting and Accrual

Sick leave will be credited and become available for use at the beginning of the pay period during which it will be earned, with no limitation on the amount which may be accumulated. Regardless of their length of service, employees will accrue sick leave at one of the following rates:

CH2.3.1.1 Full-Time Employees - Four hours for each full pay period.

CH2.3.1.2 Part-Time Employees - One hour for each 20 hours in a pay status.

CH2.3.2 Use of Sick Leave

Employees may use sick leave for the following reasons:

CH2.3.2.1 To receive medical, dental, or optical examinations or treatment.

CH2.3.2.2 When incapacitated for the performance of their duties by physical or mental illness, injury, pregnancy, or childbirth.

CH2.3.2.3 To provide care for family members who are incapacitated or who are seeking medical examinations or treatment (limitations are described in Section CH2.3.6).

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 31 of 54

CH2.3.2.4 To care for a family member with a serious health condition (limitations are described in Section CH2.3.7).

CH2.3.2.5 When making arrangements for or attending the funeral of a family member.

CH2.3.2.6 When their presence on the job could jeopardize the health of other employees because of their exposure to a communicable disease.

CH2.3.2.7 When the employee must be absent from duty for purposes relating to the adoption of a child, including appointments with adoption agencies, social workers, and attorneys; court proceedings; required travel; and any other activities necessary to allow the adoption to proceed. Sick leave for bonding time will normally only be as prescribed by the adoption agency.

CH2.3.3 Notification of Absence

An employee who is absent on account of sickness will notify his/her team leader or supervisor or other appropriate person as early as practicable on the first day of such absence, or as soon thereafter as possible. Bargaining unit employees should refer to the appropriate collective bargaining agreement.

CH2.3.4 Doctor's Certification

A doctor's certification will normally not be required for periods of absence for sick leave of three days or less. For absences in excess of three workdays, or for a lesser period when determined to be necessary by the supervisor, a medical certificate, or other administratively acceptable evidence as to the reason for the absence may be required.

When the supervisor determines it is necessary to require a medical certificate for periods of absence of less than three workdays, advance notice should be given to an employee. This is necessary so that if illness occurs the employee will be on notice that they must immediately obtain the services of a physician or other practitioner. A request requiring an employee to submit a doctor's certificate for absences of less than three days must be approved by a higher administrative level than the official who made the request, unless made by a group leader or equivalent.

CH2.3.5 Advancing Sick Leave

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 32 of 54

CH2.3.5.1 Under certain conditions, sick leave may be advanced to employees. These advances will be subject to the following limitations:

- a. All accumulated sick leave to the employee's credit must be exhausted.
- b. Temporary employees will not be advanced sick leave which will exceed an amount which it is reasonably assured will be subsequently earned.
- c. Sick leave advanced to an employee may never exceed 30 days at any one time.
- d. There must be a reasonable assurance that the employee will return to duty.

CH2.3.5.2 Application for advanced sick leave must be made by the employee in writing to his/her supervisor and must be accompanied by a supporting doctor's certificate (MSFC Form 4284 is available for this purpose). The application will state whether the sick leave will be used continuously or intermittently within a specified period of time. If approved by the supervisor, he/she will certify that he/she has personally investigated and found this to be a deserving case for the advancement of sick leave, that the employee's performance and conduct are satisfactory, and that the amount of advanced sick leave will not exceed the amount that is reasonably expected the employee will later accrue. The supervisor will then forward the request and certification through supervisory channels to the Human Resources Department. If the request is approved, the Payroll Office will be notified to that effect. If the request is disapproved, the supervisor will be notified.

CH2.3.6 Sick Leave For Family Care And Bereavement Purposes

CH2.3.6.1 Description

Within prescribed limits, employees may charge sick leave for family care for any of the same reasons for which employees themselves would be granted sick leave. Sick leave also may be charged when an employee makes arrangements for or attends the funeral of a family member. Family members are described as follows:

- a. Spouse and spouse's parents;
- b. Children, including adopted children, and spouses thereof;

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 33 of 54

c. Parents;

d. Brothers and sisters, and spouses thereof; and

e. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

CH2.3.6.2 Leave Use

Sick leave may be used for the following reasons:

a. To provide care for a family member as a result of physical or mental illness, injury, pregnancy, or childbirth;

b. To provide care for a family member as a result of medical, dental, or optical examination or treatment; or

c. To make arrangements necessitated by the death of a family member or attend the funeral of a family member.

CH2.3.6.3 Limitations

The following limitations are based on the amount of sick leave left in the employee's sick leave account after deducting the amount to be used for family care and bereavement purposes.

a. Full-time employees

(1) Full-time employees who maintain an accrued balance of 80 hours or more of sick leave may use up to 104 hours of sick leave for these purposes per leave year.

(2) Full-time employee whose accrued sick leave balance is less than 80 hours may use up to 40 hours of sick leave for these purposes per year.

b. Part-time employees and employees with uncommon tours of duty are also covered. The amount of sick leave permitted for family care and bereavement is prorated in proportion to the average number of hours of work in the employee's scheduled tour of duty. Contact the Human Resources Department with questions related to part-time employee's use of this leave.

CH2.3.6.4 Advanced Sick Leave

Employees may be advanced the 40 hours of sick leave, which is available to employees regardless of their sick leave balance. However, employees may not be advanced sick leave to meet the 80-

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 34 of 54

hour minimum leave balance that must be maintained in order to use up to 104 hours of sick leave for these purposes

CH2.3.7 Sick Leave to Care for a Family Member with a Serious Health Condition

MSFC employees are entitled to use up to 12 weeks of accrued or advanced sick leave each leave year to care for a family member with a serious health condition.

CH2.3.7.1 Leave Use

If an employee previously has used any portion of the 104 hours of sick leave for family care or bereavement purposes (as described in section CH2.3.6 above) in a leave year, that amount must be subtracted from the 12-week entitlement. If an employee has already used 12 weeks of sick leave to care for a family member with a serious health condition, he or she cannot use an additional 13 days in the same leave year for family care purposes. An employee is entitled to a total of 12 weeks of sick leave each year for all family care purposes.

CH2.3.7.2 Family members include:

- a. Spouse, and parents thereof;
- b. Children, including adopted children, and spouse thereof;
- c. Parents;
- d. Brothers and sisters, and spouses thereof; and
- e. Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

CH2.3.7.3 Serious Health Conditions

Serious health conditions include such conditions as cancer, heart attacks, strokes, severe injuries, Alzheimer's disease, pregnancy, and childbirth. The term "serious health condition" is not intended to cover short-term conditions for which treatment and recovery are very brief. The common cold, the flu, earaches, upset stomach, headaches (other than migraines), routine dental or orthodontia problems, etc., are not serious health conditions unless complications arise. MSFC may require medical certification of a serious health condition.

CH2.3.7.4 Limitations

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 35 of 54

The same limitations apply to the use of sick leave to care for a family member with a serious health condition as apply to the use of sick leave for family care or bereavement purposes (as described in section CH2.3.6). A covered full-time employee may use 40 hours (5 workdays) of sick leave each leave year for these purposes regardless of their sick leave balance. An employee may use additional sick leave to care for a family member with a serious health condition if he or she maintains a balance of at least 80 hours of sick leave in his or her account. Only the first 40 hours of sick leave (or a proportional amount for an employee on a part-time schedule or uncommon tour of duty) may be advanced.

CH2.4 VOLUNTARY LEAVE TRANSFER PROGRAM

CH2.4.1 Definitions

CH2.4.1.1 Family member: (1) Spouse, and parents thereof; (2) Children, including adopted children, and spouses thereof; (3) Parents; (4) Brothers and sisters, and spouses thereof; and (5) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

CH2.4.1.2 Leave donor: An employee whose voluntary request for the transfer of annual leave to the leave account of another employee has been approved.

CH2.4.1.3 Leave recipient: An employee whose application to receive annual leave from the leave account of another employee has been approved.

CH2.4.1.4 Medical emergency: A medical condition of an employee, or a family member of an employee, that is likely to require an employee's absence from duty for a prolonged period of time and will result in a substantial loss of income to the employee because of the unavailability of paid leave.

CH2.4.1.5 Voluntary Leave Transfer Program: Program under which the unused accrued annual leave of one employee may be transferred to another employee who needs such leave because of a medical emergency.

CH2.4.2 Application Procedures

CH2.4.2.1 Written applications to become a leave recipient should be made to the Human Resources Department (MSFC Form 4284 is available for this purpose). The application should include:

CHECK THE MASTER LIST at
<https://repository.msfc.nasa.gov/directives/directives.htm>
 VERIFY THAT THIS IS THE CORRECT VERSION BEFORE USE

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 36 of 54

(1) the reasons transferred leave is needed, including a brief description of the nature, severity, and anticipated duration of the medical emergency, and if it is a recurring one, the approximate frequency; and (2) a physician's certification of the medical emergency.

CH2.4.2.2 The Human Resources Department will review the application to determine if the potential leave recipient is, or has been, affected by a medical emergency which will cause the employee to be absent from duty without available paid leave for at least 24 hours. Approval of the application will result in other employees being able to request their annual leave be transferred to the account of the leave recipient.

CH2.4.2.3 The Human Resources Department will notify the applicants as to whether or not their applications have been approved. The notification to applicants who have not been approved as leave recipients will include the reasons for the disapproval.

CH2.4.3 Transfer Program

CH2.4.3.1 MSFC employees may submit voluntary written requests to have a specified number of hours of accrued annual leave transferred from their leave account to the annual leave account of a specified leave recipient (MSFC Form 4284 is available for this purpose). Only annual leave may be transferred and employees may not transfer leave to their immediate supervisor.

CH2.4.3.2 Transferred annual leave may be retroactively submitted for a period of leave without pay (LWOP) or used to liquidate advanced sick leave. The Human Resources Department will establish the beginning date of the medical emergency for which LWOP or advanced sick leave was granted.

CH2.4.3.3 MSFC will accept the transfer of annual leave from other Federal agencies and other NASA centers when (1) A family member of the leave recipient is employed by the other agency and; (2) The amount of annual leave transferred from leave donors within MSFC will not be sufficient to meet the needs of the leave recipient. Annual leave may be donated to employees of other Federal agencies on the same basis. Employees donating leave to other agencies should use either the leave donation form of that agency or Optional Form 630-B, "Request to Donate Annual Leave to Leave Recipient (Outside Agency) Under the Leave Transfer Program."

CH2.4.4 Leave Accrual

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 37 of 54

CH2.4.4.1 Employees using transferred leave will accrue annual and sick leave at the same rate as if the employees were in a paid leave status. Employees may not accrue more than 40 hours of annual or sick leave while using transferred leave. If an employee has more than 40 hours of annual or sick leave in any pay period, any leave taken must first be charged to those leave accounts before using transferred leave.

CH2.4.4.2 Accrued annual and sick leave will become available to the employee when the employee's medical emergency is terminated or when transferred leave has been exhausted.

CH2.4.5 Limitations to Donations and Usage

CH2.4.5.1 Normally, an employee may not donate more than half of the amount of annual leave they would accrue during the year. This limitation is without regard to the number of employees to which leave may be donated.

CH2.4.5.2 Donations by an employee who is projected to have annual leave that would otherwise be forfeited at the end of the year are normally limited to the number of hours the donor could use during the remainder of the leave year.

CH2.4.5.3 Donated annual leave may not be transferred by the leave recipient to another leave recipient, may not be included in a lump-sum payment upon separation, or be made available for re-credit upon reemployment by a Federal Agency.

NOTE: When the leave recipient is an immediate family member (as described in section CH2.5.1.2, Family and Medical Leave), the limitations described in sections CH2.4.5.1 and CH2.4.5.2 above may be waived. This waiver should be requested by the leave donor's immediate supervisor for the approval of the Human Resources Manager.

CH2.4.6 Restoration of Transferred Annual Leave

Any transferred annual leave remaining to the credit of a leave recipient when the medical emergency terminates will be restored to the donors based on their portion of the total number of hours donated. If the total number of eligible leave donors exceeds the total number of hours to be restored, no unused leave will be restored. Unused leave will not be restored to a leave donor who is no longer working for MSFC on the date the unused leave could be restored.

At the election of the leave donor, unused leave may be restored by crediting the restored leave to the leave donors annual leave

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 38 of 54

account, or by donating the restored leave in whole or in part to another leave recipient. Restored leave will be subject to the maximum carry-over limitation at the end of the year.

CH2.5 FAMILY AND MEDICAL LEAVE

CH2.5.1 Definitions

CH2.5.1.1 Family and Medical Leave Act (FMLA): Act that established an employee's entitlement to 12 administrative workweeks of unpaid leave during any 12-month period for certain family and medical needs.

CH2.5.1.2 Family Members:

a. Parent: Either the biological parent or the person who had responsibility for the employee when the employee was a child. This does not include parents "in law."

b. Son or Daughter: This includes adopted, biological, or foster children; stepchildren; legal wards; or children the employee has the responsibility for even when no biological or legal relationship exists when the child is either:

(1) Under the age of 18; or

(2) 18 years old or older and incapable of self-care because of a mental or physical disability.

c. Spouse: Husband or wife. Pursuant to a marriage that is a legal union between one man and one woman, including common-law marriage.

CH2.5.1.3 Serious Health Condition: An illness, injury, impairment, or physical or mental condition that involves:

a. Any period of incapacity or treatment in connection with or consequent to inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility.

b. Any period of incapacity requiring absence from work, school, or other regular daily activities, for more than three calendar days, that also involves continuing treatment by (or under the supervision of) a health care provider.

c. Continuing treatment by (or under the supervision of) a health care provider for a chronic or long-term health condition which is incurable or so serious that, if not treated, it likely would result in a period of incapacity of more than three

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 39 of 54

calendar days.

d. Prenatal care.

CH2.5.2 Leave Entitlement

CH2.5.2.1 MSFC employees with at least 12 months of service, who are not serving on a temporary appointment of one year or less, are entitled to up to 12 administrative workweeks of unpaid leave for one or more of the following reasons:

- a. Birth of a child of the employee and the care for that child.
- b. Placement of a child with the employee for adoption or foster care.
- c. Care of spouse, child, or parent of the employee with a serious health condition.
- d. Serious health condition of the employee that makes him or her unable to perform the essential functions of their position.

CH2.5.2.2 Employees can take only the amount of family and medical leave necessary to manage the circumstance that prompted the need for the leave.

CH2.5.2.3 The 12-month period normally begins on the date the employee first takes FMLA leave and continues for 12 months. An employee is not entitled to 12 additional weeks of leave until the previous 12-month period ends and an event or situation occurs that entitles the employee to another period of FMLA leave. This may include a continuation of a previous situation or circumstance. In the case of the birth or placement of a son or daughter, the employee may begin using FMLA leave prior to the date of birth or placement and the entitlement expires 12 months after that date.

CH2.5.2.4 Federal holidays and other non-workdays may not be counted toward the 12-week entitlement.

CH2.5.3 Intermittent Leave

When medically necessary, FMLA leave may be used on an intermittent basis for the care of a family member or as a result of the serious health condition of the employee.

CH2.5.4 Substitution of Paid Leave

An employee may elect to substitute appropriate paid time off

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 40 of 54

(annual leave, sick leave, leave made available under the Voluntary Leave Transfer Program, etc.) for any or all of the FMLA leave to be used. Sick leave may not be substituted for unpaid leave used for bonding with a healthy baby. An employee may not retroactively substitute paid leave for FMLA leave previously taken. An employee may not be required to substitute paid time off for FMLA leave.

CH2.5.5 Notice of Leave

If the need for FMLA leave is foreseeable, based on the expected birth or placement of a child or planned medical treatment, the employee should provide notice of at least 30 days before the leave is to begin. If the dates of these events do not allow for a 30-day notice, the employee should provide notice as soon as practicable. If the need for leave is not foreseeable, based on a medical emergency or the unexpected availability of a child, the employee should provide notice of the need for leave within a reasonable period of time based on the circumstances involved. An employee may not retroactively invoke their entitlement to leave under the FMLA for a previous absence from work. However, employees who are physically or mentally incapable of invoking their entitlement to FMLA leave can retroactively invoke leave within 2 days of returning to work.

CH2.5.6 Medical Certification

In situations where leave is required to be documented by medical certification, that certification should include as much information as is necessary to determine that FMLA leave is appropriate. Medical certification must be provided no later than 15 calendar days after the date of the request. If circumstances beyond control of the employee prevent the employee from being able to meet this 15-day requirement, the requirement may be extended up to 30 calendar days. Questions regarding what information is necessary should be referred to the Human Resources Department.

CH2.5.7 Benefits and Protections

Upon return from FMLA leave, an employee must be returned to the same position or to an equivalent position with equivalent benefits, pay status, and other terms and conditions of employment. An employee who takes FMLA leave is entitled to maintain health benefits coverage and may choose to pay the employee share of the premium on a current basis or pay upon return to work. The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 41 of 54

CH2.6 ABSENCE FOR MATERNITY REASONS

CH2.6.1 Definition

Pregnancy is a condition which eventually requires the employee to be absent from the job because of incapacitation. As a means of accommodating this temporary incapacitation, appropriate leave is granted to the employee; however, it should be recognized there is not a separate "maternity leave" as a type of leave. To the extent available, sick leave may be used to cover the time required for physical examinations and to cover the period of incapacitation. An absence covering pregnancy and confinement is to be treated like any other medically certified temporary disability.

CH2.6.2 Granting Leave

The granting of leave for maternity reasons may include a combination of many separate kinds of leave. Examples include sick leave, annual leave, leave without pay, and FMLA leave.

CH2.7 MILITARY LEAVE

CH2.7.1 Definition

Military leave is absence from a civilian position without charge to leave or loss of basic pay for those employees who are members of the National Guard or Reserve components of the Armed Forces.

CH2.7.2 Cooperation With Reserve Components

Cooperation with all reserve components of the Armed Forces will be extended by granting a leave of absence for military training purposes so far as practicable. Where authorization of military leave is not appropriate, or military leave has been exhausted, annual leave or leave without pay, as necessary, should be authorized for this purpose.

CH2.7.3 Eligibility

CH2.7.3.1 To be eligible for military leave, employees must be members of the National Guard or Reserve components of the Armed Forces and must be serving in a permanent or temporary indefinite appointment.

CH2.7.3.2 Employees must be on active or inactive duty or be engaged in field or coast defense training under 32 U.S.C. 502-505. For this purpose, "active duty" includes full-time duty on

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 42 of 54

the active list, full-time training duty, annual training duty, and attendance while in the military service at a school designated as a service school by law or by the secretary of the military department concerned. "Inactive duty" includes special additional duties authorized by the military department concerned and performed on a voluntary basis in connection with prescribed training or maintenance activities.

CH2.7.3.3 In general, military leave may not be granted to an employee who is in a non-pay status when entering on military duty. However, military duty may be granted, if but for the active military duty, the employee would otherwise be in a civilian pay status.

CH2.7.3.4 A reservist who resigns from MSFC prior to entering on active military duty is not entitled to military leave for any portion of the period of military service, regardless of any right he/she may have to restoration or reemployment upon completion of military service.

CH2.7.4 Procedures

CH2.7.4.1 The military order calling the employee to active military duty is sufficient evidence for the initial authorization of military leave. Orders will be provided in making application for military leave. Upon return to civilian duty, each employee shall be required to furnish official evidence of performance of active or inactive military duty.

CH2.7.4.2 Military leave accrues at the rate of 15 calendar days (less for part-time employees) per fiscal year. Military leave which is unused by the beginning of a fiscal year is carried forward for use in addition to the days which are credited at the beginning of a fiscal year. This gives full-time employees the potential of 30 calendar days military leave during a fiscal year. Military leave is not charged for weekends or holidays which occur during the period of military service.

CH2.7.5 Types of Duties Not Covered

CH2.7.5.1 Temporary Coast Guard Reserve.

CH2.7.5.2 Participation in parades by member of the State National Guard.

CH2.7.5.3 Active duty under military orders of the governor of a state.

CH2.7.5.4 Training with a state guard or other military

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 43 of 54

organization which is not a part of the National Guard or which was created to take the place of the National Guard in an emergency.

CH2.7.5.5 Active duty for training purposes by Reserve Officers of the Public Health Service.

CH2.7.5.6 Members of Reserve Officers' Training Corps Units at colleges and universities.

CH2.8 COURT LEAVE

CH2.8.1 Description

Permanent and temporary employees may be granted absence from duty with pay (court leave) when summoned to appear as a witness in a nonofficial capacity in a judicial proceeding to which the United States, the District of Columbia, or a State or local government is party, or for jury duty.

CH2.8.2 Policy

The Center Director considers it a civic responsibility of all MSFC employees to respond to calls for jury and other court services. In those instances where their services are required to meet essential work schedules and where public interests are better served by the employees remaining on duty, the request to be excused from jury duty will be made through supervisory channels to the Chief Counsel. The final decision to request that any employee be excused will be made by the Associate Director. Once that decision has been made, the request will be communicated by the Chief Counsel to the appropriate court.

CH2.8.3 Duty Status and Court Leave

CH2.8.3.1 Employees who are summoned, or assigned by NASA, to testify in an official capacity, or produce official records on behalf of the United States Government, the District of Columbia, a State or local government, or a private party will be in an official duty status (i.e., the absence is not charged to court leave).

CH2.8.3.2 If an employee is on annual leave or leave without pay at the time he or she is called to perform court service in his or her official capacity, that part of the annual leave or leave without pay which is covered by the court service will be charged as duty status.

CH2.8.4 Proceedings for which Court Leave may be Granted

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 44 of 54

Judicial proceedings for which court leave may be granted include any action, suit, or other proceeding of a judicial nature, including any condemnation, preliminary, informational, or other proceeding, but does not include an administrative proceeding. Witness service for all stages of a judicial proceeding (preliminary hearing, inquest, trial, or deposition-taking) and the proceeding itself are eligible for court leave. Also included are hearings and conferences before a committing court, magistrate, commission, grand jury proceedings, coroners' inquests, and hearings and conferences conducted by a prosecuting attorney for the purpose of determining whether and if a charge should be made in a particular case.

CH2.8.5 Authorizing Court Leave

CH2.8.5.1 When an employee is in receipt of orders, a subpoena, or other summons to serve as juror or serve as witness on behalf of a party other than the United States, District of Columbia or private parties, court leave is to be granted for the day or days when service is rendered to the court. The use of court leave for such absence is mandatory in any case where an eligible employee would otherwise be in a duty or leave status. Court leave is granted only for days within the employee's regularly scheduled tour of duty on which service is performed for the court or is held by the court pending the performance of specific services. Court leave is not granted for any period when an employee might be called for irregular or occasional overtime work.

CH2.8.5.2 Court leave for witness service is not available when the service is strictly on behalf of a private party, unless the other party to the proceeding is a governmental body (U.S. Government, District of Columbia, State, or local). Any appropriate form of leave may be used for this purpose.

CH2.8.5.3 In a judicial proceeding involving a governmental body and a plaintiff who is an employee of the Center, court leave may be granted to the employee-plaintiff only when he or she has been deposed or summoned to testify. Court leave may not be granted for time spent by the employee-plaintiff testifying on his or her own behalf. Any appropriate form of leave may be used for this purpose.

CH2.8.5.4 An employee scheduled to work at night may be granted court leave for that night duty when called for court service during the day on which the night tour begins or ends, but not both.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 45 of 54

CH2.8.5.5 When an employee who is eligible for court leave is on annual leave at the time he/she is called for court service, court leave will be substituted for annual leave previously granted.

CH2.8.5.6 An employee on leave without pay may not be granted court leave when called to jury duty.

CH2.8.5.7 If an employee is excused or released by the court for any day or substantial portion of a day, he/she is expected to return to duty, provided the return would not cause the employee hardship because of the distance from home, duty station, and the court. When 2 hours or less remains in the daily tour, employees will not normally be expected to return to duty.

CH2.8.5.8 In order to be granted court leave, the employee must present the court order, subpoena, or summons calling for court services, as far in advance as possible. Upon return to duty, written evidence of attendance at court is required, showing the dates and if possible, hours of attendance. Such evidence will normally be obtained from the clerk of the court. Upon return from court leave, employees will consult with the appropriate personnel specialist as to disposition of any fees received for duty in the court.

CH2.8.6 Acceptance and Retention of Court Fees

CH2.8.6.1 General

Reimbursement for court service or jury duty is one of two types; i.e., either salary compensation or expense money for transportation, parking, meals, etc. The term "fees" when used in this subpart refers to salary compensation.

CH2.8.6.2 Witness Fees

- a. When an employee is called to serve in an official capacity as a witness for the Government, no court fees may be accepted.
- b. When an employee is called to serve in an official capacity as a witness in private litigation, authorized witness fees and allowances for travel and subsistence should be collected and turned over to the Chief Financial Officer.
- c. In situations involving court leave, employees should accept the check for witness fees from the court and forward it to the Chief Financial Officer. A personal check or money order in the same amount may be substituted for the check from the court. If the check from the court is for an amount greater than that

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 46 of 54

allowed for the time for which court leave is granted, the employee will retain the check and forward to the Chief Financial Officer a personal check or money order covering the period of time covered by court leave. The Human Resources Department will determine the amount to be collected from the employee.

d. Court fees may be accepted and retained by the employee if an absence for court service is not properly chargeable to court leave and for this reason is charged to annual leave or leave without pay.

e. Employees may not be granted annual leave in lieu of court leave in order to retain court fees.

CH2.8.6.3 Jury Fees

Fees for jury services are of two types, Federal courts and state or municipal courts.

a. An employee may not receive fees for jury service on regular workdays in any Federal Court, except that a part-time employee whose hours of jury duty do not conflict with regularly scheduled hours of employment, may receive and retain the usual fee for jury service. If there is a partial conflict between regularly scheduled part-time hours of employment and the hours of jury service, the employee may not receive or retain the jury fee on a pro rata basis.

b. Fees (salary compensation) for jury service in state or municipal courts for which an employee's absence is charged to court leave will be disposed of in the same manner as witness fees. Fees received from the state or municipal courts may be retained by the employee if the jury service was performed outside the scheduled tour of duty (regular or overtime) which required no absence from normal duties.

c. Expense money for travel, meals, parking, etc., may be retained. In the state of Alabama, reimbursements in connection with jury service are in the form of travel and subsistence reimbursements and may, therefore, be retained for jury duty performed in those courts.

d. Fees for jury service on a holiday falling within the employee's basic tour of duty may be retained by the employee provided that except for the jury duty, he/she would have been excused from regular duties on the holiday. Fees may also be retained for jury service on non-workdays for which the employee received no compensation.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 47 of 54

CH2.9 LEAVE FOR VOTING AND VOTER REGISTRATION

CH2.9.1 Insofar as practicable, without interfering seriously with operations, employees who are qualified and desire to register or vote in any election shall be excused from duty without charge to leave as follows:

CH2.9.1.1 As a general rule, where polls are not open at least three hours either before or after the employee's regular hours of work, an amount of excused leave which will permit reporting to work three hours after the polls open or leaving work three hours before the polls close, whichever requires the lesser amount of time off may be granted. For example, if an employee's scheduled work hours are from 8:00 a.m. to 4:30 p.m. and the polls open at 8:00 a.m. and close at 7:00 p.m., voting leave may be granted commencing at 4:00 p.m. If an employee's scheduled tour was from 7:00 a.m. to 3:30 p.m., no excused absence for voting should be granted. (The polls in Madison County open at 7:00 a.m. and close at 7:00 p.m.)

CH2.9.1.2 Under exceptional circumstances where the general rule does not permit sufficient time, an employee may be excused for additional time as may be needed to vote depending upon the particular circumstances in the individual case but not to exceed one full day.

CH2.9.1.3 Employees will not be excused to vote beyond normal commuting distance if voting by absentee ballot is permitted. If an employee's voting place is beyond normal commuting distance and vote by absentee ballot is not permitted, sufficient time off to cast a ballot may be granted. Time off in excess of one day shall be charged to annual leave, or if annual leave is exhausted, to leave without pay.

CH2.9.1.4 For employees who vote in jurisdictions which require registration in person, time off to register may be granted on substantially the same basis as for voting except that excused absence may not be granted if registration can be accomplished on a non-work day, and the place of registration is within reasonable one-day round-trip travel distance of the employee's place of residence.

CH2.9.1.5 Employees applying for leave to register or vote will request such leave verbally in advance.

CH2.9.1.6 Except as provided above, if an employee is absent for the entire scheduled tour on the voting day, the absence will be charged to annual leave, sick leave, LWOP, or other appropriate leave. The granting of excused leave for voting (or

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 48 of 54

registration) in combination with annual leave, sick leave, or other appropriate leave on the same day is permissible provided the employee works some portion of the regularly assigned tour of duty.

CH2.9.2 Team leaders or supervisors are responsible for determining the amount of voting leave to be granted each employee consistent with the foregoing.

CH2.10 HOLIDAYS

CH2.10.1 FEDERAL HOLIDAYS

All employees including part-time employees (except experts and consultants) may be excused on officially observed holidays without charge to leave or loss of pay. These holidays are normally observed as follows:

- a. New Year's Day - January 1
- b. Martin Luther King's Birthday - Third Monday in January
- c. President's Day - Third Monday in February
- d. Memorial Day - Last Monday in May
- e. Independence Day - July 4
- f. Labor Day - First Monday in September
- g. Columbus Day - Second Monday in October
- h. Veterans Day - November 11
- i. Thanksgiving Day - Fourth Thursday in November
- j. Christmas Day - December 25

CH2.10.2 STATE OR LOCAL HOLIDAYS

Employees may not be excused without charge to leave or loss of pay solely because of the occurrence of a State or local holiday.

CH2.10.3 RELIGIOUS HOLIDAYS OR OBSERVATIONS

It is the policy of NASA to make possible the observance by its employees of the various established religious holidays of their faith. Insofar as practicable, employees wishing to attend and participate in such observances will be permitted to be absent on

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 49 of 54

annual leave for this purpose. An employee whose personal religious beliefs require that he/she abstain from work during certain periods of time may elect to earn compensatory time for the purpose of taking such time off without charge to leave. An employee may earn such compensatory time before or after the granting of compensatory time off. A grant of advanced compensatory time off should be repaid by the appropriate amount of earned compensatory time within a reasonable period.

CH2.11 EXCUSED ABSENCES

The Associate Director retains the right to approve an excused absence for any employee or group of employees as appropriate. This approval includes, but is not limited to, excused absence granted for natural or environmental disasters, matters with potential impact on employee safety, or for facilities failures (i.e., heating, cooling, or ventilation problems).

CH2.11.1 ADMINISTRATIVE APPEALS AND GRIEVANCES

An employee may be excused from work for the time required to prepare or present appeals or grievances. The excused time is appropriate for both the negotiated grievance procedures and the NASA Grievance Procedure.

CH2.11.2 UNION ACTIVITIES

Employees serving as representatives of labor organizations may be permitted official time to perform those functions in accordance with the appropriate union agreement.

CH2.11.3 BRIEF PERIODS OF ABSENCE OR TARDINESS

Unavoidable or necessary absence of less than 1 hour, or tardiness, may be excused or made up by working an equivalent length of time at the end of the same workday, or charged compensatory time, annual leave, or otherwise to leave without pay. If leave is charged and such leave exceeds the period of absence or tardiness, the employee will not be required to work the additional time covered by the leave charged. The leave-granting team leader or supervisor has the discretion of excusing the employee, charging leave, or permitting the employee to make the time up for such brief periods of absence or tardiness. Each team leader or supervisor is expected to exercise prudent judgment in administering the provisions of this paragraph. Unexcused tardiness or absence may become the basis for disciplinary action.

CH2.11.4 ATTENDANCE AT CONFERENCES OR CONVENTIONS

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 50 of 54

An employee may be excused from work to attend a conference or convention whenever it is determined that such attendance will serve the best interest of the Government.

CH2.11.5 USE OF THE MSFC MEDICAL CENTER

Employees will be excused to visit the MSFC Medical Center for their annual physicals, examinations, or for consultation with the Employee Assistance Program Counselor.

CH2.11.6 USE OF MSFC OFFICES

Time spent utilizing the services of the Human Resources Department, Office of Chief Counsel, Equal Opportunity Office, etc., regarding work-related matters may be charged to duty time.

CH2.11.7 BLOOD DONORS

All employees who volunteer as blood donors without compensation to the American Red Cross, military hospitals, or other blood banks, or respond to emergency calls for needy individuals, will be authorized 4 hours of excused absence. The four-hour period is in addition to the time to travel to and from the blood center and to give blood. If donors are rejected, the four-hour period is not authorized and they must return to work. The excused absence is to be taken on the day the blood is donated. All donors are encouraged to take the full four hours of excused absence for this purpose. A longer period may be authorized only when required for recuperation purposes.

CH2.11.8 BONE MARROW OR ORGAN DONATION

MSFC employees are entitled to use up to 7 days of paid leave in a calendar year (in addition to sick or annual leave) to serve as a bone marrow or organ donor. Employees are entitled to up to 30 days of paid leave to serve as an organ donor.

CH2.11.9 EXCUSED ABSENCE FOR RELOCATION

MSFC employees are authorized up to 16 hours of excused absence for taking care of necessary matters related to relocation (packing/unpacking, waiting for movers, etc.). This includes employees being relocated to MSFC and employees being relocated to other locations for MSFC. Normally, this excused absence will be used within 180 days of the employee's relocation date.

CH2.11.10 EXCUSED ABSENCE FOR CIVIL AIR PATROL

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 51 of 54

Excused absences for Civil Air Patrol (CAP) activities are generally restricted to no more than 3-5 workdays. To support the use of excused absence, CAP members should provide their team leader/supervisor with documentation from the CAP command requesting the employee's services for the emergency operation. Due to the emergency nature of CAP activities and the need, in some cases, for the CAP member to be an early responder, members should pre-arrange agreements with their team leader/supervisor regarding how they will notify them during duty and non-duty hours, the maximum amount of excused absence that will be approved and the plan for coverage of the employee's work functions. Employees have no entitlement to excused absence for this purpose and any authorization will be with the approval of the Associate Director.

CH2.11.11 EXCUSED ABSENCE FOR TRAVEL

Employees who are required to perform official travel and who arrive at their residence after midnight may be granted an excused absence to provide adequate rest before reporting for work. The excused absence will be one hour for each whole hour in a travel status after midnight, but not to exceed the number of hours scheduled the following workday for that employee.

CH2.12 USE OF COMPENSATORY TIME

CH2.12.1 Earned compensatory time must be used not later than the end of the seventh full pay period after the pay period in which it was earned. Team leaders/supervisors are responsible for scheduling the time off for the individual concerned. Likewise, employees are responsible for taking time off. Compensatory time earned by employees exempt from the FLSA that is not used within the seven full pay periods will be dropped from the official records except when the appropriate authority (department managers or managers reporting directly to the Center Director) has approved a written request to the contrary. Employees who are not exempt from FLSA and who do not use compensatory time within seven pay periods will be paid for such compensatory time at their normal overtime rate.

CH2.12.2 Forfeited time balances of 8 hours or more may be extended one time for an additional seven pay periods when the exigencies of public business (not for the convenience of the employee) make it a hardship to take the leave. Requests for extensions must be prompt, but directors and managers are expected to wait until the end of the exigency before considering extensions in an effort to relieve administrative burden and costs. If such requests are approved after such leave has been lost, it will be restored and the employee given the opportunity

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 52 of 54

to take it.

CH2.12.3 Requests from employees who are not exempt from FLSA to work compensatory time in lieu of overtime should be in writing and maintained by the approving official.

CH2.13 LEAVE WITHOUT PAY

CH2.13.1 Description and Use

Leave without pay is a temporary nonpay status and absence from duty granted upon the employee's request. Except in the case of LWOP under the FMLA, an employee cannot demand that LWOP be granted as a matter of right. Use of LWOP will not normally be granted to an employee who has a credit of annual leave. When an employee's absence in a nonpay status totals 80 hours during any leave year, their credit for annual and sick leave will be reduced by the amount of leave that would be earned during a pay period.

CH2.13.2 Short Periods of LWOP

A team leader/supervisor may approve short periods of LWOP on the same basis as they would otherwise grant sick or annual leave. Accounting for LWOP will be in increments of one-quarter hour.

CH2.13.3 Extended LWOP

CH2.13.3.1 As a basic condition to the approval of extended LWOP, there should be a reasonable expectation that the employee will return to work at the end of the approved period. Exceptions to this condition include employees awaiting the approval of a claim for disability retirement, employees receiving compensation from the Office of Workers' Compensation, and employees seeking Federal employment in another locality. In other situations, it should be apparent that at least one of the following benefits would result from the granting of LWOP:

- a. Increased job ability.
- b. Protection or improvement of employee's health.
- c. Retention of a desirable employee.
- d. Furtherance of a program of interest to the Government.

CH2.13.3.2 LWOP which is 30 calendar days or less in duration can be approved by the employee's immediate supervisor. No documentation of this action is required.

Marshall Procedures and Guidelines CD01		
Attendance and Leave	MPG 3600.1	Revision: B
	Date: December 23, 2002	Page 53 of 54

CH2.13.3.3 LWOP should not be requested in increments exceeding 90 calendar days, and periods which exceed one calendar year will be approved only in unusual circumstances. The following documentation is required by the Human Resources Department for periods of LWOP in excess of 30 calendar days (MSFC Form 4284 is available for the employee's request and the supervisor's certification.)

- a. The employee's request - including the reason, effective date, duration, appropriate substantiating documents, and certification of employee's intent to return to duty at MSFC.
- b. The supervisor's certification - including the benefit to be derived by MSFC (as listed in CH2.13.3.1 above) and department or office-level concurrence.
- c. Standard Form 52.

CH2.14 ABSENCE WITHOUT LEAVE

Absence without leave (AWOL) is an absence from duty that has not been authorized or approved. This type of absence may serve as a basis for disciplinary action in addition to denying pay for the entire period of absence. AWOL will be credited in increments of one-quarter hour.